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In re Application of :
Theodore J. Bergman *et al* :
Application No. 10/027,371 : DECISION ON PETITION
Filed: December 20, 2001 :
Attorney Docket No. 52484.002 :

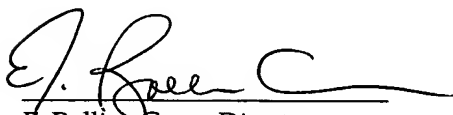
This is a decision on the petition filed by facsimile transmission on June 3, 2004 by which petitioners request withdrawal of holding that this application stands abandoned for failure to file a proper and timely reply to the Office letter dated February 19, 2003. The petition is considered pursuant to 37 CFR 1.181, and no fee is required.

The petition is granted.

Petitioners allege that this application is not abandoned because petitioners did in fact file a proper and timely reply to the Office letter in question. Petitioners support this allegation by submitting a copy of the reply, and a copy of a request for a two month extension of time with authorization to charge a credit card for the extension fee. Petitioners have also included a copy of a transmittal letter for these items. The transmittal letter has affixed thereto a 37 CFR 1.8(a) certificate of transmission dated July 3, 2003, a date within the period for filing a reply to Office letter in question as extended by two months. Therefore, it is clear that this application is not abandoned. See 37 CFR 1.8(b). Office financial records do not show that the extension fees have been charged.

Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application is being forwarded to the Head Supervisory Applications Examiner for entry of the reply dated July 3, 2003 and the extension of time filed therewith. A two month extension of time fee is to be charged in accordance with the credit card authorization form that was also filed on July 3, 2003. Thereafter, the application will be forwarded to the examiner for immediate action.

PETITION GRANTED.


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